

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TRITEL )  
COMMUNICATIONS, INC. AND TRITEL FINANCE, )  
INC. ("TRITEL") FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT A PERSONAL )  
COMMUNICATIONS SERVICES FACILITY IN THE )  
LOUISVILLE MAJOR TRADING AREA )  
(CUMULUS FACILITY) )

CASE NO.  
2000-244-UAC

O R D E R

On July 28, 2000, Tritel Communications, Inc. and Tritel Finance, Inc. ("Tritel") ("Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 300 North Yarnalltown Road, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 6' 38.1" by West Longitude 84° 34' 40.2".

The Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicants have notified the local planning commission of the proposed construction. Dale Thomas of the Lexington-Fayette Urban

County Government Planning Commission sent a letter of approval of the proposed site. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments or requests to intervene have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Tritel should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Tritel.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 300 North Yarnalltown Road, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude  $38^{\circ} 6' 38.1''$  by West Longitude  $84^{\circ} 34' 40.2''$ .

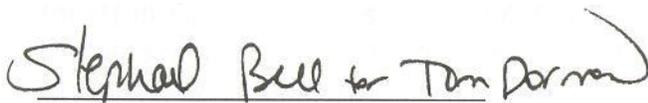
2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. The Applicants shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 29<sup>th</sup> day of September, 2000.

By the Commission

ATTEST:

  
Executive Director